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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/770,070 | 01/24/2001 | Michael Lunsford | PALM-3238 | 7197 |

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,070

Applicant(s)

LUNSFORD ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/05 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 35, 37-42, 45-48, 49-53, 56-64, 67**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Erikson (US Patent 6,622,018) in view of Ficco et al. (US Patent Number 2002/0035404 A1).

Regarding **claims 35, 46, 52, 57, 63**, Erikson teaches a personal digital assistant 10-70/system (see figure 2, col 5 lines 20-31, lines 37-41) and comprising:

a processor (see figure 1, 101);

a memory unit to store instruction for the processor (see figure 2, 103/102);

a wireless communications device to wirelessly transmit a control signal (see figure 2, 103/102);

a display device (see figure 2, 105); and

a bus 110 coupled to the processor, the memory unit 103/102, the wireless communications devices, and the display device 105 to communicate the information (col 5 lines 37-50), wherein;

instructions for displaying a device menu, via the display device, to permit a user to enter data to the device menu for controlling operation of a external device, the operation of the external device to be controlled (col 6 lines 5-9, col 9 lines 7-17); instructions for wirelessly transmit via the wireless communication device, at a first time corresponding to the time data , a control signal to cause the external device to perform a first action (col 6 lines 10-20, col 7 lines 10-21). Erikson teaches a stylus display device 105 which a common can be selected from a menu of commands displayed on display device 105. The command is transmitted to the remote device over a wireless connection using receiver/transmitter device (col 6 lines 5-20), and a rendering of a mechanism that can be used to control the remote device, such as an on/off switch. Erikson fails to teach instructions for displaying a device schedule menu, via the display device, to permit a user to enter data to the device schedule menu for controlling operation of a external device, the operation of the external device to be controlled in accordance with time data **directly** entered via the device schedule menu. However, Ficco teaches instructions for displaying a device schedule menu, via the display device, to permit a user to enter data to the device schedule menu for controlling

operation of a external device, the operation of the external device to be controlled in accordance with time data **directly** entered via the device schedule menu (0109, 0112, 0116, 0123, 0124, 0131). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Erikson system, in order to provide suitable command instructions to secure of turn various device on certain time.

Regarding **claim 36** Erikson teaches a computing device wherein personal digital assistant is further configured to receive, via the wireless communications device, a signal from the **external** device receiving the control signal from the personal digital assistant (col 6 lines 5-20, lines 37-40).

Regarding **claims 37, 48, 59**, Erikson teaches a Personal Digital Assistant /system/ machine readable medium that control external devices (col 5 lines 20-31, lines 37-41). Erikson fails to teach a device wherein the signal via the wireless communication device is an acknowledgement from the **external** device. However Ficco teaches teach a system wherein the device for wirelessly transmitting an acknowledgement signal to the portable computing device (0123). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Erikson system, in order to provide satisfaction and comfort to the user

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Regarding **claims 38, 48, 60**, Erikson teaches a Personal Digital Assistant /system/ machine readable medium that control external devices (col 5 lines 20-31, lines 37-41).

Erikson fails to teach a device wherein the signal received via the wireless communications device includes status information from the **external** device. Ficco teaches teach a system wherein the signal received via the wireless communications device includes status information from the **external** device (0112). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Erikson system, in order to provide suitable command instructions to secure of turn various device on certain time.

Regarding **claims 39, 50, 58, 61**, Erikson teaches a computing device/machine readable medium/method wherein the computing device is further configured to: wirelessly transmit via the wireless communication device, at a second time, a second control signal to cause the **external** device to perform a second action (col 5 lines 37-50, col 6 lines 37-46). However, Erikson fails to teach a device responsive to time data. However, Ficco teaches response to time data 0109, 0112, 0116, 0123, 0124, 0131). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Ficco with Erikson system, in order to provide suitable command instructions to secure of turn various device on certain time.

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Regarding **claims 40, 51, 62**, Erikson teaches a system/method wherein the action is activating the **external** device deactivating the **external** device or adjusting a setting of the **external** device (col 6 lines 57-65).

Regarding **claims 41, 52, 63**, Erikson teaches a computing device/method wherein the computing device is configured to according claim 35.

Regarding **claims 42, 53, 64**, Erikson teaches a computing device/method wherein the computing device is configured to according to claim 35.

Regarding **claims 45, 56, 67**, Erikson fails teach a computing device/method wherein the computing device is configured to:

instruction for alarming before wirelessly transmitting the control signal; and
permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming.

However Ficco teaches a computing device wherein the computing device is configured to:

Instruction for alarming before wirelessly transmitting the control signal; and
permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming (0123). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the

above teaching of Ficco with Erikson, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 47**, Erikson teaches the machine readable medium further comprising instructions for receiving a signal from the **external** device in response to the receiving the control signal from external the computing device (col 6 lines 5-20).

4. **Claims 43-44, 54-55, 65-66**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Erikson (US Patent 6,622,018) in view of Ficco et al. (US Patent Number 2002/0035404 A1) in further view of Mahany et al. (US Patent Number 5,657,317).

Regarding **claims 43, 65**, Erikson modified by Ficco fails to teach a machine-readable medium system comprising: a mobile phone for extending the communication distance between the portable computing **external** device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Erikson modified by Ficco, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

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Regarding **claim 54**, Erikson modified by Ficco fails to teach a machine-readable medium system comprising: instructions for permitting a user to enter a regular time period for wirelessly retransmitting the control signal to cause the **external** device to perform the first action (see figure 1b, col 11 lines 40-59). However Mahany (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Erikson modified by Ficco, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claims 44, 55, 66**, Erikson modified by Ficco does not specifically mention that the system/method comprises: a relay for wirelessly extending the communication range between the portable computing device and the **external** device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Erikson modified by Ficco, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Response to Arguments

5. Applicant's arguments with respect to claims 35-67, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

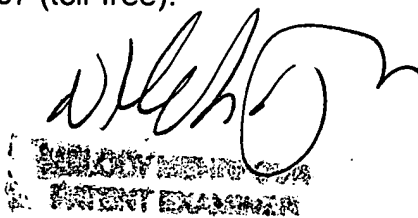
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 7, 2006



WILLIAM H. H.
PATENT EXAMINER